

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**MICHAEL LASANE,**

**Petitioner,**

**v.**

**STEPHEN D'ILIO, et al.,**

**Respondents.**

**Civil Action No. 15-1303 (RK)**

**MEMORANDUM & ORDER**

This matter comes before the Court on Petitioner Michael Lasane's request for an extension of time to respond to the Court's Order to Show Cause. (ECF No. 53.) Currently pending before the Court is an Amended Petition for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. (ECF No. 20.) In a Memorandum and Order dated March 24, 2025, the Court determined that Ground One of the Amended Petition, which asserts a due process claim based on *Kent v. United States*, 383 U.S. 541 (1966) and *In re Gault*, 387 U.S. 1 (1967), is unexhausted and may be procedurally defaulted. (ECF No. 52.) The Court directed Petitioner to SHOW CAUSE as to why the Amended Petition should not be dismissed as a mixed petition and provided Petitioner the opportunity to withdraw the due process claim asserted in Ground One or submit any arguments he may have to overcome the procedural default of that claim. (*See id.*) The Court also permitted Petitioner to clarify in writing whether he intended to raise an ineffective assistance claim in Ground One of the Petition. (*Id.*) The Court informed Petitioner that it would dismiss the Amended Petition without prejudice if Petitioner failed to elect one of these options within 30 days or failed to respond. (*Id.*)

Petitioner submitted a letter to the Court on April 4, 2025, seeking an extension of time to

submit his response, and the Clerk docketed his request on April 10, 2025. (ECF No. 53.) Petitioner explains that he was transferred to a new facility and is unable to access the research database Lexis Nexis or court reporters in writing his response. (*See id.*)

The Court finds that there is good cause to grant the extension of time. Petitioner shall submit his response for filing by May 22, 2025. If Petitioner fails to submit his response by May 22, 2025, the Court will dismiss his Amended Petition without prejudice as a mixed petition without further notice.

**IT IS** on this 11th day of April 2025,

**ORDERED** that Petitioner's request for an extension of time is **GRANTED** (ECF No. 53); and it is further

**ORDERED** that **by May 22, 2025**, Petitioner shall **SHOW CAUSE** as to why his Amended Petition should not be dismissed as a mixed petition; and it is further

**ORDERED** that in his response, Petitioner must either withdraw the unexhausted due process claim alleged in Ground One of the Amended Petition or submit arguments to overcome the procedural default of that claim; and it is further

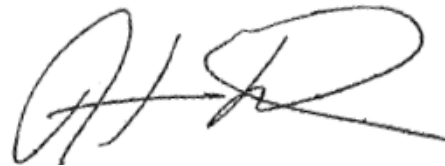
**ORDERED** that Petitioner may also clarify in writing whether he intended in Ground One of the Petition to raise an ineffective assistance claim premised on his attorney's alleged mis-advice in connection with the withdraw of his plea; and it is further

**ORDERED** that if Petitioner fails to either 1) withdraw the unexhausted due process claim asserted in Ground One or 2) make arguments to overcome the procedural default of that claim by May 22, 2025, the Court will dismiss the Amended Petition without prejudice as a mixed petition; if the Court dismisses the Amended Petition as a mixed petition, Petitioner may lose his opportunity for federal habeas review; and it is further

**ORDERED** that if Petitioner submits arguments to excuse the procedural default of Ground One and/or clarifies that he also intended to bring an ineffective assistance claim in Ground One based on his attorney's alleged mis-advice, Respondents shall submit a supplemental answer within 30 days addressing the same;<sup>1</sup> and it is further

**ORDERED** that this matter shall remain **ADMINISTRATIVELY TERMINATED** for docket management purposes pending the parties' submissions; the Court retains jurisdiction and will reopen the case and issue its ruling in due course; and it is further

**ORDERED** that the Clerk of the Court shall send a copy of this Memorandum and Order to Petitioner at the address on file.

A handwritten signature in black ink, appearing to read 'R. Kirsch', is written over a horizontal line.

ROBERT KIRSCH  
United States District Judge

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<sup>1</sup> Respondents did not file a list of exhibits with their Answer. Respondents are instructed to file a complete list of exhibits on the docket with their Supplemental Answer.